

# **EXHIBIT B:**

**Declaration of Prior Invention in the United States  
Pursuant to 37 C.F.R. § 1.131 signed by**

**RONALD S. KARR**

**on October 8, 2007**

**(2 pages)**

***Response to Non-Final Office Action filed October 22, 2007***

From: Ron Karr

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Ronald S. Karr and Anand A. Kekre  
Assignee: VERITAS Operating System  
Title: COHERENTLY SHARING ANY FORM OF INSTANT SNAPSHOTS  
SEPARATELY FROM BASE VOLUMES  
Application No.: 10/770,358 Filing Date: February 2, 2004  
Examiner: Jae Un Yu Group Art Unit: 2185  
Docket No.: VRT0133US Confirmation No.: 7650

Austin, Texas  
October 5, 2007

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES**  
**PURSUANT TO 37 C.F.R. § 1.131**

Dear Examiner Yu:

**PURPOSE OF THE DECLARATION**

Claims 1, 4-6, 8-10, 12, 15-17 and 19-21 stand rejected under 35 U.S.C. § 102(e) as purportedly being anticipated by U.S. Patent Publication No. 2005/0154845 naming Shackelford, *et al.*, as inventors ("*Shackelford*"). The effective date of *Shackelford* is January 9, 2004.

Claims 2, 3, 11, 13, 14 and 22 stand rejected under 35 U.S.C. § 103(a) as purportedly being obvious over *Shackelford* in view of U.S. Patent No. 6,222,558 issued to Berg ("*Berg*").

## PATENT

## DECLARATION

I, Ronald S. Karr, declare as follows:

1. I am an inventor of the claimed subject matter of the above-referenced application.
2. Attached is Exhibit A. Exhibit A is a redacted copy of an "Invention Disclosure Form" describing the invention claimed in the above-referenced application. See Exhibit A, p.2, ¶¶ 3-7. The date on the face of Exhibit A is October 16, 2003, which is before January 9, 2004.
3. Exhibit A was used as a basis for the above-referenced application.
4. Exhibit A shows that the invention claimed in the above-referenced application was implemented prior to the date on the face of Exhibit A. See Exhibit A, p.3, ¶ 2.
5. Exhibit A establishes our reducing to practice of the subject matter set forth in independent Claims 1, 6, 12 and 17 prior to the effective date of *Shackelford*.
6. All of the enumerated acts took place in the United States of America.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Full Name of Inventor: Ronald S. Karr

Inventor's Signature:



Date:

10/8/2007